

REMARKS/ARGUMENTS

The application has been amended. Entry of the amendments and reconsideration are respectfully requested.

Status of the Claims

Claims 1, 10-13, 16-30, and 33-46 are pending in the application prior to entry of the amendments herein. Claims 36-46 have been withdrawn by the Examiner as drawn to non-elected subject matter.

Discussion of the Amendments to the Claims

The claims have been amended to more particularly point out and distinctly claim the subject matter of the present invention. In particular, claim 1 has been amended to recite that



is ^DPro-^LPro or ^LPro-^DPro and has been amended with regard to chain Z as presented herein. Additionally, claim 1 has been amended to recite the full names of the "non-standard, atypical" amino acids at their first occurrence. Furthermore, claim 1 has been amended to recite --A compound-- rather than "Compounds". Moreover, claim 1 has been amended to recite --or a pharmaceutically acceptable salt thereof-- rather than "pharmaceutically acceptable salts thereof." Claim 30 has been amended to recite --An enantiomer of a compound-- rather than "Enantiomers of the compounds". Claims 18-29 have been amended to replace "A compound" with --The compound--. Claims 34-35 have been amended to recite --A composition-- rather than "Compositions". Furthermore, claims 10-13 and 16-17 have been cancelled. Support for the amendments to the claims may be found in the specification at originally filed at, for

example, page 28, lines 5-8. It is respectfully submitted that no new matter has been added by way of the amendments to the claims.

Information Disclosure Statement

In the Office Action, it is stated that the listing of references in the specification (e.g., page 84) is not a proper Information Disclosure Statement.

The references listed on page 84 of the specification pertain to literature relating to the biological assays which are used to generate the biological data recited in the specification. Applicants respectfully submit that the foregoing references are not deemed relevant to the patentability of the present invention as defined by the pending claims.

Response to the Claim Objections

The Examiner has objected to claims 1 and 11. In particular, the Examiner has objected to claim 1, stating that it is 20+ pages in length and alleging that “the clarity of the claim would be improved from reordering/arrangement of the variables.” (Office Action, page 4). Additionally, the Examiner has alleged that the variable R^{74} “is indented one level more than the other R variables” and that R^{86} and R^{87} are missing “or” between the last two variables. (Office Action, page 5). The Examiner also has objected to claim 11, stating that “[t]he first occurrence of non-standard abbreviations in the claim should be accompanied by their full name.” (*Id.*).

The Examiner has objected to claims 34 and 35 under 37 CFR §1.75(c) as allegedly being of improper dependent form. In particular, the Examiner has alleged that claim 33 is a pharmaceutical composition, while claims 34 and 35 are drawn to “plural compositions.” (Office Action, page 5).

Applicants respectfully submit that the amendments to claims 1 and 34-35 render the objections with regard to those claims moot. Moreover, claim 11 has been cancelled, thereby obviating the objection with regard to that claim.

In view of the foregoing, Applicants respectfully request the withdrawal of the claims objections with regard to claims 1, 11, and 34-35.

Response to the Rejection under 35 U.S.C. §112, Second Paragraph

Claims 1, 10-13, 16-30, and 33-35 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to claim 1, the Examiner has alleged that “[i]t is unclear whether applicant is claiming a collection, e.g., an array, of compounds and their salts, or whether Applicant intended to claim ‘A compound... or a pharmaceutically acceptable salt thereof.’” (Office Action, page 5).

With regard to claim 10, the Examiner has alleged that it is unclear if the parenthetical expression “an enantiomer of the groups A5 (with R² being H) or A8” is a part of the claim, or merely exemplary. Moreover, the Examiner has alleged that it is unclear how B can be an enantiomer of the groups A5 or A8.

With regard to claim 16, the Examiner has alleged that claim 16 lacks clear antecedent basis. In particular, the Examiner has alleged that claim 16 recites that P6 can be A1-A69-CO but that A69 has been cancelled from the claims, and claim 1 only allows for A-CO and not A-A-CO.

With regard to claims 18-29, the Examiner has alleged that these claims lack clear antecedent basis. In particular, the Examiner has alleged that it is unclear as to whether “A compound of claim 1” refers back to formula (I) or a portion of formula (I).

With regard to claim 30, the Examiner has alleged that claim 30 lacks antecedent basis because claim 1 does not allow for enantiomers. Moreover, the Examiner has alleged that “it is unclear as to what the Applicant is intending as the enantiomer of the compound”. (Office Action, page 7).

With regard to claims 34 and 35, the Examiner has alleged that it is unclear whether Applicant is claiming a set of compositions or whether Applicant intended to claim “A composition.”

To advance prosecution, claims 1, 18-30, and 34-35 have been amended. Applicants respectfully submit that the amendments to claims 1, 18-30 and 34-35 obviate the rejection with regard to those claims.

Claim 33 depends from claim 1. It is respectfully submitted that the amendment to claim 33 obviates the basis for the rejection with regard to that claim.

Claims 10-13 and 16-17 have been cancelled herein. Applicants respectfully submit that the cancellation of claims 10-13 and 16-17 obviates the rejection with regard to those claims.

Moreover, Applicants wish to point out that an enantiomer is the exact mirror image of a chiral compound (*i.e.*, a compound containing at least one asymmetric carbon atom). Each chiral building block of a chiral compound is replaced, in the enantiomer of such chiral compound, by its optical antipode. Thus, if a given chiral compound contains residues such as ^LAla, ^LPro, ^LGlu,

^DArg, etc., its enantiomer contains, at the respective positions, instead the residues ^DAla, ^DPro, ^DGlu, ^LArg, etc. However, where the chiral compound in question contains Gly at a certain position, its enantiomer contains, at the respective position, also Gly, seeing that Gly contains no center of asymmetry. To prepare an enantiomer, one has to replace all chiral starting materials with their enantiomers.

In view of the foregoing, Applicants respectfully request the withdrawal of the rejection under 35 U.S.C. §112, second paragraph, with regard to claims 1, 10-13, 16-30, and 33-35.

Response to the Rejection under 35 U.S.C. §112, First Paragraph – Written Description

Claims 1, 10-13, 16, 30 and 33-35 stand rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. Reconsideration is respectfully requested in view of the amendments and remarks herein.

To advance prosecution, claims 1, 30, and 34-35 have been amended herein. Applicants respectfully submit that the amendments to claims 1, 30, and 34-35 obviate the rejection with regard to those claims.

Claims 10-13 and 16 have been cancelled herein. The cancellation of claims 10-13 and 16 obviates the rejection with regard to those claims.

Claim 33 depends from claim 1. Applicants respectfully submit that the amendment to claim 1 obviates the rejection with regard to claim 33.

In view of the foregoing, withdrawal of the rejection of claims 1, 10-13, 16, 30 and 33-35 under 35 U.S.C. §112, first paragraph, for alleged lack of written description is respectfully requested.

Response to the Rejection under 35 U.S.C. §112, First Paragraph - Enablement

Claims 1, 10-13, 16, 30, and 33-35 stand rejected under 35 U.S.C. §112, first paragraph, as allegedly lacking enablement. Reconsideration is respectfully requested in view of the amendments and remarks herein.

To advance prosecution, claims 1, 30, and 34-35 have been amended herein. Applicants respectfully submit that the amendments to claims 1, 30, and 34-35 obviate the rejection with regard to those claims.

Claims 10-13 and 16 have been cancelled herein. The cancellation of claims 10-13 and 16 obviates the rejection with regard to those claims.

Claim 33 depends from claim 1. Applicants respectfully submit that the amendment to claim 1 obviates the rejection with regard to claim 33.

In view of the foregoing, withdrawal of the rejection of claims 1, 10-13, 16, 30 and 33-35 under 35 U.S.C. §112, first paragraph, for alleged lack of enablement is respectfully requested.

Additional Comments

Applicants appreciate the indication that claims 17-29 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. §112, second paragraph. Claim 17 has been cancelled herein in view of the amendment to claim 1. Moreover, in view of the amendments herein, Applicants respectfully submit that claims 18-29 are patentable in their present form.

Applicants: Vrijbloed et al.
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Concluding Remarks

An allowance of the claims is respectfully requested. Should the Examiner have any questions or comments concerning the foregoing, the Examiner is respectfully invited to contact the undersigned at the telephone number given below.

The Commissioner is hereby authorized to charge payment of any fees associated with this communication, or credit any overpayment, to Deposit Account No. 08-2461. Such authorization includes authorization to charge fees for extensions of time, if any, under 37 C.F.R. § 1.17 and also should be treated as a constructive petition for an extension of time in this reply or any future reply pursuant to 37 C.F.R. § 1.136.

Respectfully submitted,



Andrea M. Wilkovich
Registration No.: 53,773

HOFFMANN & BARON, LLP
6900 Jericho Turnpike
Syosset, New York 11791
(973) 331-1700